

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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BEVERLY ZIMMERMAN, et al., on behalf  
of themselves and all others similarly  
situated,

Case No. 1:17-cv-1062

Plaintiffs,

Hon. Hala Y, Jarbou

v

THE 3M COMPANY f/k/a Minnesota  
Mining and Manufacturing Co., et al.,

Defendants.

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**JOINT MOTION TO APPOINT FACILITATIVE MEDIATOR**

The parties, through their counsel, have jointly met and conferred and file this joint motion as follows:

1. On January 14, 2021, this Court entered an Order of Referral to Voluntary Facilitative Mediation. ECF No. 212.
2. The parties conferred regarding this order and bring this joint motion to appoint the Honorable Gerald Rosen as mediator for the reasons set forth herein.
3. In April 2020, the Honorable Gerald Rosen was engaged to mediate this case and also cases pending against these same defendants in the Kent County State Court arising from the same events alleged in this case.
4. In conjunction with that mediation, Judge Rosen invested significant time in the matter, reviewing hundreds of pages of materials, engaging in extensive discussions with the parties and familiarizing himself with the complex issues involved in the issues in both the Kent County State Court cases and the *Zimmerman v Wolverine* case before this Court.

5. The parties also conferred regarding the list of court certified mediators and preliminary review of the mediators on the Court's list indicates that many of them would be conflicted out, and the parties suspect more rigorous conflict checks would reveal additional conflicts. Additionally, many appear not to have relevant prior litigation or mediation experience with this type of action.

6. The parties would benefit from the economies and efficiencies of Judge Rosen's continuation as the mediator for this matter.

7. The parties believe that it is in the best interest of the case that Judge Rosen be appointed as mediator.

For the reasons stated herein, the parties respectfully request that this Honorable Court appoint Judge Rosen as the mediator in this matter.

Dated: February 2, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on February 2, 2021, I electronically filed the forgoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

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